Petitioner \* \* \* \* \* \* \* \* \* \* FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a distance between facing elevations of 18 feet in lieu of the required 25 feet for buildings between 20 feet and 25 feet in height for a proposed single family dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner, by William Green, President, appeared and testified. Also appearing on behalf of the Petition was Herbert Malmud, Registered Lane Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 7807 Jody Knoll Road, consists of 0.34 acres zoned D.R. 5.5 and is presently unimproved. Petitioner is desirous of developing the property with a single family dwelling as depicted on Petitioner's Exhibit 1. Testimony indicated that subsequent to his purchase of the property approximately three months ago, the Petitioner discovered that the requested variance would be needed as a result of the height of the existing dwelling on the adjoining lot. Mr. Green indicated that the proposed dwelling could be placed on the lot without the requested variance, however, the front of the dwelling would The more to the rear of the lot and not in keeping with the surrounding properties. Mr. Green testified that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community and that no additional variances would be needed.

> 34 PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a between facing elevations in lieu of 25 ft. separation for buildings between 20 ft. and \_\_\_\_\_ 25 ft. in height. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

SEE ATTACHED Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition. Legal Owner(s): Contract Purchaser: WILLIAM A. GREEN, PRESIDENT (Type or Print Name) Signature (Type or Print Name) Address City and State Attorney for Petitioner: 3100 TIMANUS LANE 944-5222
Address SUTTE 101 Phone No. (Type or Print Name) BALTIMORE, MD. 21207 City and State Signature Name, address and phone number of legal owner, contract purchaser or representative to be contacted Address HERBET MALMUD - AUTHORIZED AGENT Name H. MALMUD & ASSO. TNC 100 CHURCH LAND BALTIMORE, MD 21208 G53-9511 City and State Attorney's Telephone No.: \_

ORDERED By The Zoning Commissioner of Baltimore County, this -1990, that the subject matter of this petition be advertised, as grequired by the Zoning Law of Baltimore County, in two newspapers of general circulation through-Post Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County

#136.

3100 TIMANUS LANE, SUTTE 101 BALTIMORE, MARYLAND 21207 (301) 944-5222 Facsimile (301) 944-5233

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

the B.C.Z.R. would result in practical difficulty and/or unreasonable

hardship upon the Petitioner.

AMN:bjs

HAND DELIVERED

Mr. J. Robert Haines,

Zoning Commissioner

Dear Mr. Haines:

WAG:nam

County Office Building

111 West Chesapeake Avenue Towson, Maryland 21204

Re: 7807 Jody Knoll Road – Lot 2"0" Windsor Gardens

is within the building setback lines.

and would cause an odd appearance.

referenced lot for the following reasons:

in this market.

We respectfully request a zoning variance for the above

1. The required 25 foot separation would reduce the house

size to a point where it would be difficult to sell

2. The proposed house size is the standard size that has been used on the other lots within the development and

3. The proposed house could be pushed back to the rear

setback line but it would not conform to the existing

front setback of the other homes within the development

LLearnenr

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of January, 1991 that the Petition for Zoning Variance to permit a distance between facing elevations of 18 feet in lieu of the required 25 feet for buildings between 20 feet and 25 feet in height for a proposed single family dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief grant

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) There shall be no further variances requested for the subject property. a M Nus turousa

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

September 28, 1990

136

WILLIAM A. GREEN, PRESIDENT, : Case No. 91-178-A ACQUEST HOMES, Petitioner

> :::::: ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

Phyllis Cole Friedman

I HEREBY CERTIFY that on this 4th day of Janaury, 1991, a copy of the foregoing Entry of Appearance was mailed to William A. Green, President, Acquest Homes, 3100 Timanus La., Suite 101, Baltimore, MD 21207; and Herbert Malmud, Authorized Agent, H. Malmud & Asso. Inc., 100 Church La., Baltimore, MD 21208, who requested notification.

387-2188

: BEFORE THE ZONING COMMISSIONER RE: PETITION FOR VARIANCE 75' SE Ripple Rd. on SW/S Jody OF BALTIMORE COUNTY Knoll Rd. (#7807 Jody Knoll Rd.): 2nd Election District 2nd Councilmanic District

final Order.

People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 304, County Office Building Towson, Maryland 21204

Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

qieoet Account: R-001-6150

(ESIDENTIAL DADUANCE APPLICATION FEE

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

January 14, 1991

Enclosed please find a copy of the decision rendered in the

In. the event any party finds the decision rendered is unfavor-

above-captioned matter. The Petition for Zoning Variance has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

111 West Chesapeake Avenue

Mr. William A. Green

President, Acquest Homes

3100 Timanus Lane, Suite 101

Baltimore, Maryland 21207

Case No. 91-178-A

Dear Mr. Green:

cc: People's Counsel

RE: PETITION FOR ZONING VARIANCE

(7807 Jody Knoll Road)

William A. Green - Petitioner

in accordance with the attached Order.

SW/S Jody Knoll Road, 75' SE of Ripple Road

2nd Election District - 2nd Councilmanic District

Towson, MD 21204

O4AO4#O03OMICHRC BA COD3:40PM09-24-90 Please make checks payable to: Baltimore County XT BUSINESS DAY

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

Account: R-001-6150

9/24/90

PUBLIC HEARING FEES 010 -ZONING VARIANCE (IRL)

LAST NAME OF OWNER: ACQUEST HOMES

H9100136

Please make checks payable to: Battlmore County

H. MALMUD & ASSOCIATES, INC. 100 CHURCH LANE BALTIMORE, MARYLAND 21208

TELEPHONE (301) 653-9511 7807 JODY KNOLL ROAD BALTIMORE COUNTY, MARYLAND <

Beginning for the same on the south side of Jody Knoll Road, 50 feet wide at a point distant 85.06 feet easterly from the east side of

(1) By a line to the laft with a radius of 775.00 feet an arc length of 60.96, thence leaving said road and running the three (3) following courses and distances.

(2) South 27 07' 00" West 98.01 feet; (3) North 63 29' 23" West 77.15 feet; (4) North 36 14' 30" East 102.52 feet to the place of beginning.

Being Lot 2, Block D, on the plat entitled "Plat 2, Windsor Gardens", recorded in Baltimore County Plat Book E.H.K. Jr. 45, folio 27,

OF TITLE

Herbert Malmud Registered Land Surveyor Maryland No 7558 August 9, 1990

FILE: WINDSOR GARD 2D DESC 19

DESCRIPTION FOR ZONING VARIANCE

Ripple Road, 50 wide, thence binding on Jody Knoll Road:

containing 0.34 of an acre, more or less. THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE

Very truly yours, a MNcotorare ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

887-3353

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for:

Petitioner: A Crust Homes

Location of property: Since of Tripple Road, on SW Dide of

Location of Signs: Confort of 7807 Jody Knoll Road

Location of Signs: Confort of 7807 Jody Knoll Road

Posted by Signature

Number of Signs:

Date of return: 12 - 14 - 90

CERTIFICATE OF PUBLICATION

NOTICE OF HEARING The Zoning Commissioner of Battimore County, by authority of the Zoning Act and Regulations of Battimore County will hold a public hearing on the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows: Petition for Zoning Variance
Case number: 91-178-A
75' SE Ripple Road on SW/S
Jody Knoll Road
#7807 Jedy Knoll Road
2nd Election District
2nd Councilmanic
Petitioner(s):
Acquest Homes
Hearing Date: Thursday
Jan. 3, 1991 at 2:00 p.m. Variance: to allow an 18 lt. distance between facing elevations in lieu of 25 ft. separation for buildings between 2 ft. and 25 ft.

TOWSON, MD., 13 - 13, 19  $\frac{90}{}$ THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_\_ successive weeks, the first publication appearing on 19. 6, 19

THE JEFFERSONIAN,

\$ 32.03

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

November 13, 1990

NOTICE OF HEARING

Dennis F. Rasmussen County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 91-178-A 75' SE Ripple Road on SW/S Jody Knoll Road (#7807 Jody Knoll Road) 2nd Election District - 2nd Councilmanic Petitioner(s): Acquest Homes HEARING: THURSDAY, JANAURY 3, 1991 at 2:00 p.m.

Variance to allow an 18 ft. distance between facing elevations in lieu of 25 ft. separation for buildings between 2 ft. and 25 ft. in height.

> J. ROBERT HAINES Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the \_\_\_\_\_day of

the first publication appearing on the 28th day of 1101, 19 90 the second publication appearing on the 

the third publication appearing on the \_\_\_\_\_day of \_\_\_\_\_\_,19\_\_

THE NORTHWEST STAR

Cost of Advertisement 420.00

Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

PUBLIC HEADING FEES

cekends in the Reist. Rd. SMITH CORONA Coronet Super 12 lified applicants, call Electric Portable Typewriter with

FERS WANTED, Over 25

area Full or part time.

nights & weekends.

Grocery Checker-Cashiers,

and full or part time night

s Good pay-experience

benefits Smith Ave Call

IGENCE JOBS-CIA. US

NMENT JOBS-\$16,412-

PERSONALS

SH INTRODUCTIONS INTER-

IONAL - Baltimore's only per-ized Jewish introduction service,

?1-121 C2ll 1-800-442-9050.

O CREDIT CARD Guaranteed!

eposit! Rush for Christmas! Also eposit Visa! No credit check.
on2! lo2ns made.
0)800-5246, anytime.

INSTRUCTION

NO-All ages, all levels.

sical, Pop, Jazz. Beginners ome Pikesville. 653-9072.

VISH, FRENCH, GERMAN,

IAN, Etc. by native teachers. 9

9 p.m. Academy of Languages,

DEA, etc. Now Hiring. Call

653-9670

correction cartridge Retail price \$400 great buy for \$200! Phone

CHILD CARE

Nanny Employment Agency offers

care. Housekeeping & cooking in-

FOR RENT

brand new appliances, rug, drapes, balcony, \$500/month. 363-6414.

**DON'T READ** 

THIS AD ...
UNLESS YOU WANT TO SAVE

MONEY & IMPROVE YOUR STANDARD OF LIVING.

Step-saver kitchens • Frost-free refrigerator
Some apts. with wall-to-wall carpet
Individual storage and laundry facilities
Spacious Closets • Pool with new sun deck

Convenient to shopping & MTA bus lines

WITH DISTINCTIVE TASTE

We now have 1, 2 & 3 bedroom apts.

available for leasing.

AFFORDABLE LIVING FOR THOSE
WITH DISTINCTIVE TASTE

Liberty West Apartments

Find Us - We're Worth It

Mon.-Fri. 10-5

922-3683

The Zoning Commissioner of Baltimore County by authority of the Zoning Act and Regulations of Baltimore County will hold a

ublic hearing on the property identified herein

in Room 106 of the County Office Building

75' SE Rippie Road on SW/S Jody Knoll Road

Variance to allow an 18 ft distance between facing elevations in fieu of 25 ft separation for

FOR RENT

Zoning Commissioner of

CASE NUMBER 91-178-A

(#7807 Jody Knoll Road)

151.0545

Account: R-001-6150

ca. -POSTING SIGNS / ADVERTISING I / 10TAL: \$77.03 LAST NAME OF OWNER: ACQUEST MOMES

> 04A04#0001M1CHRC
> Please Make Checks Payable To: Baltimore County)02:12PH01-03-91 \$77.03 NEX! BUSINESS DAY

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21201

887-3353

December 17, 1990

Mr. William A. Green 3100 Timanus Lane, Suite 101 Baltimore, MD 21207

RE: Item No. 136, Case No. 91-178-A Petitioner: William A. Green Petition for Zoning Variance

Dear Mr. Green:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Government Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Cashier Validation

887-3353

fqieoet

Your petition has been received and accepted for filing this

ZONING COMMISSIONER

Received By:

Petitioner: William A. Green Petitioner's Attorney:

24th day of October, 1990.

Baltimore County Zoning Commissioner Office of Planning & Zoning Tows in Maryland 21204 J. Revert Hames

DATE: 12/11/90

Baltimore, Maryland 21207 ATTN: WILLIAM A. GREEN

Petition for Zoning Variance CASE NUMBER: 91-178-A 75' SE Ripple Road on SW/S Jody Knoll Road (#7807 Jody Knoll Road) 2nd Election District - 2nd Councilmanic Petitioner(s): Acquest Homes HEARING: THURSDAY, JANUARY 3, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 77.03 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

DATE: October 16, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Acquest Homes, Item No. 136

The Petitioner requests a Variance to allow an 18 ft. distance between facing elevations in lieu of the 25 ft. separation for buildings between 20 ft. and 25 ft. in height.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm ITEM136/ZAC1

TO:

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

November 28, 1990

Zoning Commissioner County Office Building Towson, MD 21204

Mr. J. Robert Haines

Dear Mr. Haines: The Bureau of Traffic Engineering has no comments for Z.A.C. item numbers 136, 140, 144, 145, 146, and 149.

f- Malmud ASSO. INC.

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lab

Suite 101 BATTIMER MI ZIZEZ

by Mr. Herb Malmudge. Bottime ; md. 2, 208

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

Paul H. Reincke

OCTOBER 24, 1990

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204



ACQUEST HOMES RE: Property Owner:

> #7807 JODY KNOLL ROAD Location: Zoning Agenda: OCTOBER 23, 1990 Item No.: 136

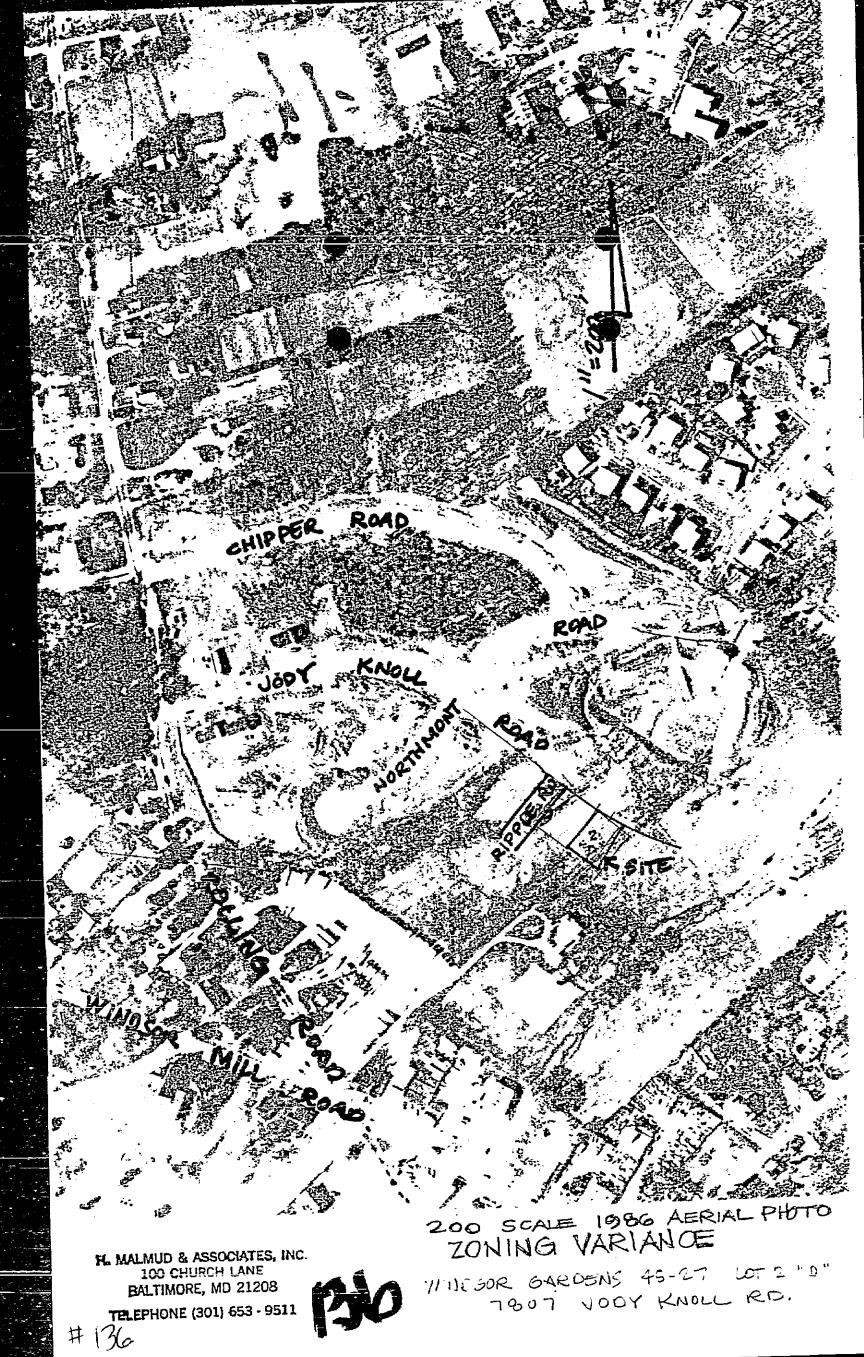
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 22

REVIEWER: Cat Joseph Welly 10-24-90 Approved Fire Special Inspection Division Fire Prevention Bureau

JK/KEK



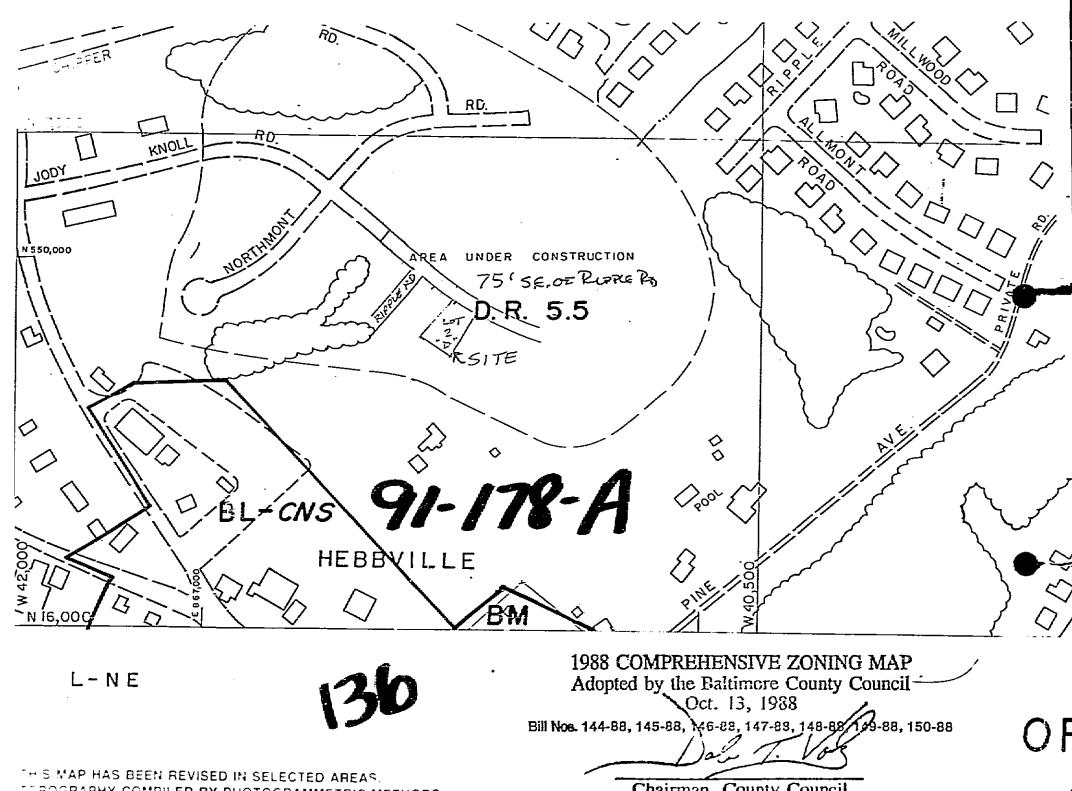
EALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE OCTOBER 12, 1990 J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES CE ZONING ITEM #: 136 SUBJECT: PROPERTY OWNER: Acquest Homes LOCATION: 75' SE Ripple Road on SW/S Jody Knoll Road (#7807 Jody Knoll Road) ELECTION DISTRICT: 2nd COUNCILMANIC DISTRICT: 2nd A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE ( ) PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED. ( ) RAMPS (degree slope) ( ) PARKING LOCATION ( ) NUMBER PARKING SPACES ( ) CURB CUTS ( ) SIGNAGE ( ) BUILDING ACCESS ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE. A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.

SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS HAY BE REQUIRED. ( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS. ( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE). ( ) OTHER -PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THE DEVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE

TEMITTED.

FALTIM RESCURITY, MARYLAND I Determinate of the respondence To: Boning Advisory Committee DATE: October 18, 1990 FROM: Robert W. Bowling, P.E. RE: Zoning Advisory Committee Meeting for October 23, 1990 The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 136, 144, 146, 149 and 150. For Items 140 and 145, County Review Group Meetings may be required. ROBERT W. BOWLING, P.E., Chief Developers Engineering Division RWB:s



SPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

